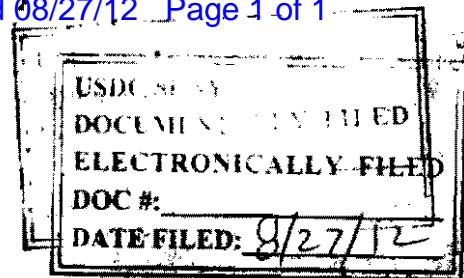


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



THE SWATCH GROUP MANAGEMENT  
SERVICES LTD.,

Plaintiff,

-against-

BLOOMBERG L.P.,

Defendant.

**OPINION DISMISSING  
COUNTERCLAIMS**

11 Civ. 1006 (AKH)

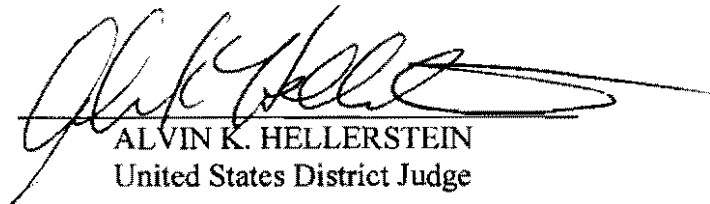
ALVIN K. HELLERSTEIN, U.S.D.J.:

Plaintiff sued Defendant for infringement of a recorded telephone conference call between senior executives of Plaintiff's parent company and invited securities analysts. Defendant, although not invited to participate, obtained a recording of the call and made it available to the paid subscribers of its online business newscasting service. On May 17, 2012, I held that Defendant's publication of the recording was fair use and, on the basis of this defense to infringement, granted Defendant summary judgment.

Defendants' Counterclaims against Plaintiff allege invalidity, non-infringement, fair use and laches and estoppel. As the May 17, 2012 Order and Opinion held that Defendant's publication of the recording was fair use, these counterclaims are moot and are hereby dismissed.

SO ORDERED.

Dated: August 27, 2012  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge